

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

COMPRESSION LABS, INC.

§

v.

§

Case No. 2:04-CV-158 (Folsom)

§

AGFA CORPORATION, ET AL.

§

§

PLAINTIFF'S PROPOSED SCHEDULING ORDER

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| October __, 2005 | Jury Selection – 9 a.m. A change in the scheduled trial date will operate to reset deadlines tied to that date accordingly by extending the deadlines an equal number of days. |
| no later than 3 days prior to scheduled trial date | List of Exhibits and Witnesses The attorneys for the parties shall file with the clerk and deliver to opposing parties and the court reporter a separate list of exhibits and witnesses, except those offered solely for impeachment. |
| October 4, 2005 | Final Pretrial Conference – 9 a.m. |
| September 26, 2005 | Motions <i>in Limine</i> |
| September 26, 2005 | Joint Final Pretrial Order, Joint Proposed Jury Instructions, and Form of the Verdict (and/or Proposed Findings of Fact and Conclusions of Law) |
| September 12, 2005 | Pretrial Disclosures pursuant to Fed. R. Civ. P. 26(a)(3) |
| August 15, 2005 | Dispositive Motions Unless leave of Court is obtained, Plaintiff and Defendants collectively may file no more than one (1) summary judgment motion. |
| August 1, 2005 | Expert Discovery Deadline All expert discovery shall be commenced in time to be completed by this date. |
| July 25, 2005 | Objections to Expert Witnesses |

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| | Such objections shall be made by a motion to strike or limit expert testimony and shall be accompanied by a copy of the expert's report in order to provide the court with all of the information necessary to make a ruling on any objection. |
| July 18, 2005 | <p>Rebuttal Expert Testimony on this date or 60 days after entry of the court's claim construction ruling, whichever is later.</p> <p>Rebuttal expert testimony shall mean expert testimony that is solely intended to contradict or rebut expert testimony on the same subject matter identified by another party pursuant to Fed. R. Civ. P. 26(a)(c) and Local Rule CV-26(b).</p> |
| July 1, 2005 | <p>Discovery Deadline</p> <p>All discovery shall be commenced in time to be completed by this date.</p> |
| July 1, 2005 | Mediation |
| June 17, 2005 | Disclosure of Expert Testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b) by the party bearing the burden of proof on this date or 30 days after entry of the court's claim construction ruling, whichever is later. |
| June 1, 2005 | Defendants to serve " <i>Final Invalidity Contentions</i> " (PR 3-6(b)) on this date or 30 days after entry of the court's claim construction ruling, whichever is later. |
| June 1, 2005 | Disclosure of Opinions of Counsel (PR 3-8) on this date or 30 days after entry of the court's claim construction ruling, whichever is later. |
| June 1, 2005 | Plaintiff to Serve " <i>Final Infringement Contentions</i> " (PR 3-6(a)) on this date, or 30 days after entry of the Court's claim construction ruling, whichever is later. |
| March 9, 2005 | <p>Mediator Selection</p> <p>If the parties agree on a mediator, they shall so notify the court of the name, address, and telephone number of the attorney-mediator. Otherwise the court will select a mediator.</p> |
| February 15, 2005 | <i>Markman</i> Hearing, if necessary – 9 a.m. |
| January 31, 2005 | Reply Briefs to <i>Markman</i> Briefs (PR 4-5(c)) |

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| January 24, 2005 | Response Briefs to <i>Markman</i> Briefs (PR 4-5(b)) |
| January 10, 2005 | <i>Markman</i> Briefs (PR 4-5(a)) Each party shall file <i>Markman</i> briefs as to the construction of the terms of the patent-in-suit which are in dispute. |
| December 23, 2004 | Claim Construction Discovery Deadline (PR 4-4) |
| December 13, 2004 | Parties file " <i>Joint Claim Construction and Prehearing Statement</i> " (PR 4-3) |
| November 29, 2004 | Parties exchange " <i>Preliminary Claim Constructions and Extrinsic Evidence</i> " (PR 4-2) |
| November 15, 2004 | Parties exchange " <i>Proposed Terms and Claim Elements for Construction.</i> " (PR 4-1) |
| November 15, 2004 | Privilege Logs to be Exchanged by Parties |
| November 1, 2004 | Amend Pleadings It is not necessary to file a motion for leave to amend before the deadline to amend pleadings. It is necessary to file a motion for leave to amend after the deadline to amend pleadings. |
| November 1, 2004 | Join Additional Parties |
| October 1, 2004 | Defendants to serve " <i>Preliminary Invalidity Contentions</i> " and supporting documents. (PR 3-3, 3-4) |
| October 1, 2004 | Plaintiff to serve " <i>Disclosure of Asserted Claims and Preliminary Infringement Contentions</i> " and supporting documents. (PR 3-1, 3-2) |
| October 1, 2004 | Defendants to serve list of all products that implement the baseline JPEG standard and sales data for each listed product |
| September 24, 2004 | Plaintiff to serve list of products that are believed to implement the baseline JPEG standard |
| September 24, 2004 | Exchange Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1) |